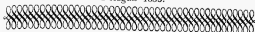


5-1-3
4 August 1835.



(Ireland.)

A

B I L L

For the better Prevention and more speedy
Punishment of Offences endangering the
Public Peace in Ireland.

[Note.—The Words and Clause printed in *Italics* are proposed to be
inserted in the Committee.]

WH^{EREAS} heinous and systematic Outrages and Distur-
bances of the Peace have, from time to time, prevailed in
several parts of Ireland; and it is expedient to provide for the speedy
and effectual Prosecution and Suppression of such Offences; *And it*
5 *therefore Enacted*, by The KING's most Excellent MAJESTY, by
and with the Advice and Consent of the Lords Spiritual and Tem-
poral, and Commons, in this present Parliament assembled, and by
the Authority of the same, THAT it shall and may be lawful to
and for the Lord Lieutenant of Ireland, by and with the concurrence
10 of His Majesty's Privy Council in Ireland, from time to time, as
occasion shall require, to order and direct that an Extraordinary
Court of General Sessions of the Peace shall be holden in and for
any County in Ireland, at such place or places therein, and at such
time or times as such Lord Lieutenant and Council may deem
15 proper; and such Lord Lieutenant shall thereupon nominate and ap-
point one of His Majesty's Serjeants or Counsel to preside at any such
Sessions or any Adjournment thereof, and act as Chairman thereof;
and such Serjeant or Counsel, so long as he shall continue to hold
the said office, shall, without further appointment or commission,
20 have all the powers of a Justice of the Peace, and be to all intents and
purposes a Justice of the Peace in, of and for the County in which
such Extraordinary Court of Sessions of the Peace shall be holden,
and shall receive such Sum, not exceeding *for each*
day during which he shall be so engaged, as to such Lord Lieu-
tenant shall seem fit.

Provided,

Lord Lieuten-
ant in Coun-
cil may order
an Extraordi-
nary Court of
General Ses-
sions to be
holden for any
County in
Ireland.

5-1-1

2.
Such Court to
have power
of any Court
in this and
T. 1861, &c.

And be it Enacted, That each such Court shall have and exercise all rights, powers, jurisdictions, privileges, authorities, functions and capacities appertaining, incident or belonging to any Court of Oyer and Terminer and General Gaol Delivery, or to any Court of General Quarter Sessions of the Peace; provided, that no Person shall be indicted or tried before such Court for any offence rendering the Person convicted thereof liable to the punishment of death; and that every Justice of the Peace, Coroner, Clerk of the Crown, and Clerk of the Peace and other Person who may have any recognizance, information, inquisition, examination, deposition or other document which would have been returnable to the next Court of Oyer and Terminer and General Gaol Delivery, or General or Quarter Sessions for the same County, shall return the same to the said Extraordinary Court holden in pursuance of such order and direction, if relating to any offence or matter cognizable by such Court; and that all Sheriffs, Clerks of the Crown and of the Peace, Constables and other Officers, bound to attend at any Sessions of the Peace or Assizes, shall be in like manner bound to attend at such Courts to be holden under the provisions of this Act, and obey the orders thereof.

All Sheriffs,
Clerks of the
Crown, and
Peace and
other Officers
shall also be
bound to
attend.

3-
Prosecutors,
Defendants,
Witnesses, &c.
shall be bound
to attend
except on re-
ceiving a
written Notice
to that effect

And be it Enacted, That all Prosecutors, Traversers, Offenders, Witnesses and others, who shall be bound by recognizance or otherwise to appear at any ordinary Sessions of the Peace or Assizes, or other Court of Criminal Jurisdiction for such County, shall, upon being duly served Ten Days previous to the holding of such Extraordinary Court of Sessions with a notice or summons, on behalf of His Majesty, either personally or by leaving the same at his, her or their usual or last place of abode, attend at such Extraordinary Court of Sessions, and prosecute, abide trial, appear or give evidence at the same, in like manner as any such Person would be bound to do at any Court specified in any such recognizance, or at which such Person would be otherwise bound to appear; and in case of default of any such Person in that behalf, such Person, and every Surety for him, shall be liable as for a breach of such recognizances, in like manner as if the condition thereof had been violated by a like default with respect to the Court specified therein; but if the Person bound in such recognizance shall appear at such Extraordinary Court to be holden under this Act, and shall prosecute, abide trial, give evidence or be ready to give evidence before the Grand Jury, and upon the trial, as the case may be, then the said recognizances shall be discharged in like manner as if the condition thereof had been fulfilled according to the terms thereof.

4.
Notice to be
given by the
Clerk of the

Provided always, and be it Enacted, That the Clerk of the Peace for the County in which any such Extraordinary Court of Sessions shall

545

shall be directed to be holden under the authority of this Act, shall cause the time and place appointed for holding the same to be notified in the usual manner of notifying the holding of General or Quarter Sessions, or adjournments thereof, or otherwise, as the said Lord Lieutenant shall direct; and that the necessary and proper Expenses to be thereby incurred shall be raised by presentment of the Grand Jury at the Assizes of the County, in like manner as the other Expenses incurred in the discharge of the necessary and accustomed duties of such Clerk of the Peace are defrayed.

Peers of the
County and place
for holding
such Court.

- And be it Enacted, That each such Extraordinary Court of Sessions shall continue to sit, and shall adjourn from time to time and place to place as convenience may require, until such day as shall be specified for the termination thereof, in and by a like Order to be made by the said Lord Lieutenant of Ireland in Council; and that for the purposes of each such Session, and during the continuance thereof, such Precepts, Writs, Warrants, Processes and other means for enforcing the attendance thereat of Grand Jurors, Petty Jurors, Witnesses, Traversers, Offenders and other persons, shall and may be issued and returned, and Juries impanelled in like manner as in ordinary cases of proceeding at any Court of Criminal Jurisdiction: Provided always, That the Names of the Persons returned to serve on the Grand Jury at any such Session shall be taken from the "Special Jurors List" of such county.

5.
Such Court
may adjourn
from time to
time and place
to place, until
termination at
its sitting, to
be fixed by
order of Lord
Lieutenant in
Council.

Grand Jury to
be taken from
Special Jurors
List.

- And be it Enacted, That no Traverse in prox. shall be received or allowed at any such Court, but that every Person charged with any offence thereat shall plead forthwith, and the trial be directly proceeded upon, unless the Court shall, upon sufficient matter disclosed by affidavit, think fit in its discretion to postpone such trial according to the course of any Court of Oyer and Terminer, General Gaol Delivery or General or Quarter Sessions, either to any subsequent sitting or adjournment of such Extraordinary Court, or to any other Court of Oyer and Terminer and General Gaol Delivery, or General or Quarter Sessions of the Peace, or adjournment thereof, for the same county.

6.
Offenders to
be tried forth-
with, unless
Court shall
otherwise
order.

- And be it Enacted, That no proceeding of or at any Extraordinary Court of General Sessions holden under the authority of this Act, shall before trial and judgment be removed into His Majesty's Court of King's Bench by Writ of Certiorari or otherwise.

7.
Proceedings of
Court not to
be removed by
Certiorari, &c.

- And be it Enacted, That any Person not duly authorized by law to keep Fire-arms, who shall be found between sunset and sunrise with Fire-arms or other offensive weapons in his possession, in any place save his own dwelling-house, or any Person not duly

8.
Any unregis-
tered Person
found at night
with Arms in
any place save
his dwelling-
house, &c.

during day or
night, with
Fire-arms
loaded or con-
cealed in
County where
Court sitting,
guilty of a
Misdemeanor.

9.
Lord Lieuten-
ant, on pre-
sentment of
Grand Jury,
may direct
such Court to
issue a Notice
enjoining the
Inhabitants of
places therein
specified to
remain within
their Habita-
tions at night.

authorized by law to keep Fire-arms who shall be found at any hour of the day or night with any loaded or concealed Fire-arms or offensive weapon within any County in which any Court holden under this Act shall be then acting, shall be deemed to be guilty of a *Misdemeanor*.

AND whereas infractions of the law and violations of the public peace are frequently contrived and committed by nocturnal assemblies of disorderly persons, and it is desirable to provide under proper regulations some check to such meetings; BE it therefore Enacted, That if the Grand Jury impannelled at any such Sessions to be holden under this Act shall make a presentment to the Court that a necessity exists for taking measures to suppress nocturnal meetings, such presentment shall be transmitted by the Chairman to the said Lord Lieutenant, together with the opinion of the Court thereon; an d it shall and may be thereupon lawful for the said Lord Lieuten-
nant, with the advice of His Majesty's Privy Council, to authorize and direct such Court to issue a Notice, enjoining the Inhabitants of such County, or any part thereof, or of any adjacent County to be specified therein, to be and remain within their respective lodgings and habitations at all hours between One Hour after sunset and sunrise, from and after such day as shall be named and specified therein for that purpose, and warning them that all Persons who may be found abroad or absent from their respective habitations during such hours, save upon some lawful and proper occasion, will be liable to be punished as guilty of an offence under the provisions of this Act; and such Notice shall be printed and posted on some conspicuous place in each town and village within each barony or half barony of such county, or if the same be a county of a city or town, on the principal places for posting notices within the same.

10.

Any Person found abroad in the night after such Notice in any place specified therein, shall be deemed guilty of a Misdemeanor.

And be it Enacted, That any Male Person who shall be, between One Hour after sunset and sunrise at any time after the day specified in any such Notice, abroad in any field, road or elsewhere, out of his habitation or lodging, within any County or District specified in such Notice, save upon some lawful and proper occasion, shall be deemed to be guilty of a *Misdemeanor*; and that any Magistrate or Constable of Police who shall find any person so abroad within such hours and within such County or District, shall, at his discretion, have power and authority to apprehend such person; and he shall be committed and detained until trial, unless held to bail by some person thereto authorized.

11.

After the day named in such Notice, Court may authorize, by

And be it Enacted, That at any time after the day named and specified in such Notice, it shall be lawful for the Court at any such Session, to issue a warrant, signed by the Chairman thereof, and countersigned

countersigned by the Clerk of the Peace, and directed to one or more Magistrate or Magistrates, Chief Constable or Chief Constables of Police, authorising him or them at any time from One Hour after sunset until sunrise, to demand and require that any or every Person being an inhabitant or inmate of any house or building within the County or District specified in such Notice, shall come forth and show himself or themselves; and if any such person shall not so come forth and show himself within Ten Minutes after he shall be so required, he shall be deemed to be then absent, and shall be certified in writing to be so to the said Court by the person or persons by whom he may have been so required to appear.

Warrant, &c.
relatively
visits to places
therein speci-
fied, &c.

Provided always, and be it Enacted, That no such Warrant as aforesaid shall be executed or proceeded upon in any County out of the ordinary Jurisdiction of such Court, unless the same shall be endorsed by one or more of the Magistrates of such adjacent County.

12.
No such War-
rant to be
executed out
of ordinary
jurisdiction of
Court, unless
endorsed by
Magistrate of
adjacent
County.

And be it Enacted, That it shall be lawful for the Court to which such Certificate shall be returned to summon, and require all Persons thereby certified to have been absent from their respective dwellings, to appear before such Court, and for such Court to examine such Persons, or any other Person, who may be produced before them upon oath as to such absence and the cause thereof, and if it shall be proved that any such Person was duly required to appear by the Person or Persons so authorized as aforesaid, and if any such Person so summoned shall not appear before such Court, or if, upon such examination, the non-compliance of such Person, with the demand of the Person or Persons so authorized as aforesaid, shall not be explained to the satisfaction of such Court; or if it shall appear to such Court that such Person was so absent from his dwelling as aforesaid, without some lawful and proper cause or occasion, such Person shall be deemed to be guilty of an offence within this Act, and the Court shall have power to convict him summarily thereof, and, in case of a first offence, to commit him to such place of confinement within the County as such Court shall think proper for any period not exceeding or to impose upon him a fine not exceeding or both, and for any subsequent offence to award a like imprisonment for a period not exceeding or to impose a fine not exceeding or both, and also to order that the party convicted shall give security for his good behaviour for Twelve calendar Months, or in default thereof, be liable to an additional imprisonment for any term not exceeding One Month.

13.
Court may
summon and
examine on
Oath Persons
certified to
have been
absent from
their dwell-
ings, and may
imprison and
fine, &c. any
Person con-
victed thereof
who cannot
satisfactorily
account for
the same.

14.
Any Person giving false information, or obstructing any Person acting in execution of Warrant, may be proceeded against as for a Misdemeanor.

And be it Enacted, That any Person who shall knowingly give false information to any Person authorized by such Warrant, or shall obstruct any Person acting thereunder in the execution thereof, after notification of the object and nature thereof, shall be deemed to be guilty of a Misdemeanor.

15.
Lord Lieutenant may order sums necessary for remuneration of Chairmen, appointed under this Act, to be advanced out of Consolidated Fund; such advances to be repaid by Grand Jury Prothonotary.

And be it Enacted, That it shall and may be lawful for the Lord Lieutenant of Ireland, by his Warrant, to direct to be issued out of the produce of the Consolidated Fund arising in Ireland, such sums of money as may be necessary for the remuneration of any of His Majesty's Serjeants or Counsel appointed under the authority of this Act; and that on the production to the Grand Jury at the Assizes of any County of the Certificate of the Chief or Under Secretary of the said Lieutenant, of the amount of the money so advanced and issued, in respect of the remuneration of such Serjeant or Counsel so employed within the same County, such Grand Jury shall present the same to be levied off the County at large; and such money when levied shall be paid to the Collector of Excise of the District within which such County may be situate, to be by him accounted for in like manner as other public monies.

16.
Construction of Terms.

And be it Enacted, That in the interpretation of this Act, the words " Lord Lieutenant of Ireland " shall extend to and include any Lord Justices, or other Chief Governor or Governors of Ireland for the time being; and the word " County " shall extend to and include any Riding, or County of a City, or County of a Town, or City and County; and every word importing the singular number shall extend and be applied to several persons or things, as well as to one person or thing; and every word importing the masculine gender shall extend and be applied to a female as well as to a male, save and except where in the use of any such expression as aforesaid, the nature of the provision or the context shall exclude such construction.

17.
Commencement of Act.

And be it Enacted, That this Act shall continue and be in force for Five Years from and after the passing thereof, and no longer, and may be altered or repealed during this present Session of Parliament.

6 WIL. IV.—Sess. 1835.

(Ireland)

A

B I L L

For the better Prevention and more speedy
Punishment of Offences endangering the
Public Peace in Ireland.

(Prepared and brought in by
Lord Viscount Mervell,
Mr. Attorney-General for Ireland
and
Mr. Solicitor-General for Ireland.

Ordered, by The House of Commons, to be Printed,
4 August 1835.
